

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 13, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Corder, Langhorst, McKenzie, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Danielle Cotner, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Corder and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 12, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators McKenzie and Pearce were recorded present at this order of business.

March 13, 2008

The JUDICIARY AND RULES Committee reports that S 1487, S 1488, S 1489, S 1490, S 1491, S 1492, S 1493, S 1494, S 1495, and S 1496 have been correctly printed.

DARRINGTON, Chairman

S 1487, S 1488, S 1489, S 1490, S 1491, S 1492, S 1493, S 1494, S 1495, and S 1496 were referred to the Finance Committee.

March 12, 2008

The JUDICIARY AND RULES Committee reports that S 1251, S 1253, S 1257, S 1344, as amended, S 1350, S 1387, S 1388, S 1390, S 1403, as amended, S 1410 S 1428, S 1429, S 1456, S 1457, S 1458, and S 1459 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1251, S 1253, S 1257, S 1344, as amended, S 1350, S 1387, S 1388, S 1390, S 1403, as amended, S 1410 S 1428, S 1429, S 1456, S 1457, S 1458, and S 1459, and ordered them transmitted to the House for the signature of the Speaker.

March 12, 2008

The STATE AFFAIRS Committee reports out S 1455 with the recommendation that it do pass.

McKENZIE, Chairman

S 1455 was filed for second reading.

March 12, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Vernon Baker to the Idaho Commission on Human Rights, term to expire July 1, 2009;

Melville W. Fisher, II, to the Idaho Lottery Commission, term to expire January 1, 2013.

McKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 12, 2008

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Dave Tuthill as Director of the Department of Water Resources, term to expire at the pleasure of the Governor;

Craig Hill to the Lake Pend Oreille Basin Commission, term to expire July 24, 2010.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2008

The FINANCE Committee reports out **S 1487, S 1488, S 1489, S 1490, S 1491, S 1492, S 1493, S 1494, S 1495, and S 1496** with the recommendation that they do pass.

CAMERON, Chairman

S 1487, S 1488, S 1489, S 1490, S 1491, S 1492, S 1493, S 1494, S 1495, and S 1496 were filed for second reading.

March 12, 2008

The EDUCATION Committee reports out **H 548** with the recommendation that it do pass.

GOEDDE, Chairman

H 548 was filed for second reading.

March 12, 2008

The EDUCATION Committee reports out **H 566** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **H 566** was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2008

The HEALTH AND WELFARE Committee reports out **H 512** with the recommendation that it do pass.

LODGE, Chairman

H 512 was filed for second reading.

March 13, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 561** and **H 562** with the recommendation that they do pass.

HILL, Chairman

H 561 and **H 562** were filed for second reading.

March 13, 2008

The AGRICULTURAL AFFAIRS Committee reports out **SCR 137** with the recommendation that it do pass.

GANNON, Chairman

SCR 137 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

President Risch assumed the Chair.

Senator Langhorst was recorded present at this order of business.

March 12, 2008

Mr. President:

I transmit herewith **H 608, H 609, H 610, H 611, H 613, H 614, and H 602**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 608, H 609, H 610, H 611, H 613, H 614, and H 602, as amended, were filed for first reading.

March 12, 2008

Mr. President:

I return herewith **S 1414**, as amended, **S 1384, S 1434, SCR 129, SCR 131, and SCR 133**, which have passed the House.

ALEXANDER, Chief Clerk

S 1414, as amended, **S 1384, S 1434, SCR 129, SCR 131, and SCR 133** were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2008

Mr. President:

I return herewith **S 1462, S 1463, S 1464, S 1385, S 1415**, as amended, **S 1324**, as amended, **S 1419, S 1380**, as amended, **S 1397**, as amended, and **S 1252**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

S 1462, S 1463, S 1464, S 1385, S 1415, as amended, **S 1324**, as amended, **S 1419, S 1380**, as amended, **S 1397**, as amended, and **S 1252**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2008

Mr. President:

I return herewith **S 1339**, as amended, as amended in the House, and **S 1370**, as amended in the House which have passed the House.

ALEXANDER, Chief Clerk

On request by Senator Kelly, granted by unanimous consent, **S 1339**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Jorgenson, granted by unanimous consent, **S 1370**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 12, 2008

Mr. President:

I transmit herewith Enrolled **HJM 7** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HJM 7** and ordered it returned to the House.

March 12, 2008

Mr. President:

I return herewith Enrolled **S 1325, S 1331, S 1352, S 1354, S 1359, S 1362, S 1371, S 1382, S 1389, S 1418, S 1439, S 1445, S 1451, S 1452, S 1453, and S 1454**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1325, S 1331, S 1352, S 1354, S 1359, S 1362, S 1371, S 1382, S 1389, S 1418, S 1439, S 1445, S 1451, S 1452, S 1453, and S 1454** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **SCR 135**, having been held, was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Bilyeu, that **SCR 135** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **SCR 135** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 136** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **SCR 136** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 48** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Fulcher, **HCR 48** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1339**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1339**, as amended, as amended in the House?"

On request by Senator Kelly, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1339**, as amended, as amended in the House.

S 1339, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1370**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1370**, as amended, as amended in the House?"

On request by Senator Jorgenson, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1370**, as amended in the House.

S 1370, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1497

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1498

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE PERMANENT BUILDING FUND TO THE DIVISION OF PUBLIC WORKS FOR THE VARIOUS PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF

MONEYS APPROPRIATED IN THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; EXPRESSING LEGISLATIVE INTENT CONCERNING THE APPROPRIATION FOR THE CENTER FOR LIVESTOCK AND ENVIRONMENTAL STUDIES; DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

S 1499

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF LAND COMMISSIONERS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

S 1500

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT REGARDING A FORESTLAND CLASSIFICATION STUDY.

S 1501

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES NOT OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE PAYMENT FOR STATEWIDE MANAGEMENT AND HUMAN RESOURCES TRAINING TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION.

S 1502

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING AND DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND; AND APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2009.

S 1503

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2009; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES.

S 1504

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1497, S 1498, S 1499, S 1500, S 1501, S 1502, S 1503, and S 1504 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 608, H 609, H 610, H 611, H 613, and H 614, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 602, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 415, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 441 by Agricultural Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 426, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 598 and H 600, by Appropriations Committee, were read the second time at length and filed for third reading.

H 546 and H 547, by State Affairs Committee, were read the second time at length and filed for third reading.

H 411 and H 412, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 553 and H 554, by Education Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 569, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1470 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1470** passed, title was approved, and the bill ordered transmitted to the House.

S 1449, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Jorgenson and Schroeder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1449**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1477 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Heinrich, Hill, Kelly, Langhorst, Little, McGee, McKenzie, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 21.

NAYS--Bair, Bastian, Broadsword, Fulcher, Geddes, Goedde, Hammond, Jorgenson, Keough, Lodge, McKague, Pearce, Richardson, Siddoway. Total - 14.

Total - 35.

Whereupon the President declared **S 1477** passed, title was approved, and the bill ordered transmitted to the House.

President Risch called President Pro Tempore Geddes to the Chair.

S 1478 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--Davis, Richardson, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1478** passed, title was approved, and the bill ordered transmitted to the House.

S 1479 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1479** passed, title was approved, and the bill ordered transmitted to the House.

S 1480 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1480** passed, title was approved, and the bill ordered transmitted to the House.

S 1481 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1481** passed, title was approved, and the bill ordered transmitted to the House.

S 1482 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1482** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1483 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1483** passed, title was approved, and the bill ordered transmitted to the House.

H 397, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 397**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 517, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 517**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 382, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 382**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 529, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 529** passed, title was approved, and the bill ordered returned to the House.

H 572 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 572** passed, title was approved, and the bill ordered returned to the House.

H 573 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 573** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

H 574 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--Bair, Burkett, Davis, Geddes, Pearce, Richardson, Siddoway. Total - 7.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 574** passed, title was approved, and the bill ordered returned to the House.

H 544 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 544** passed, title was approved, and the bill ordered returned to the House.

H 567 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian and Acting Senator Sagness arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 567** passed, title was approved, and the bill ordered returned to the House.

H 401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 401** passed, title was approved, and the bill ordered returned to the House.

H 502 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 502** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore presiding.

Roll call showed all members present except Senators Gannon and Jorgenson, absent and formally excused by the Chair; and Senators Andreason, McKenzie, Pearce, Stegner, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

Senator Stegner was recorded present at this order of business.

March 13, 2008

The JUDICIARY AND RULES Committee reports that **S 1252**, as amended, **S 1324**, as amended, **S 1380**, as amended, **S 1384**, **S 1385**, **S 1397**, as amended, **S 1414**, as amended, **S 1415**, as amended, **S 1419**, **S 1434**, **S 1462**, **S 1463**, **S 1464**, **SCR 129**, **SCR 131**, and **SCR 133** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1252**, as amended, **S 1324**, as amended, **S 1380**, as amended, **S 1384**, **S 1385**, **S 1397**, as amended, **S 1414**, as amended, **S 1415**, as amended, **S 1419**, **S 1434**, **S 1462**, **S 1463**, **S 1464**, **SCR 129**, **SCR 131**, and **SCR 133**, and ordered them transmitted to the House for the signature of the Speaker.

March 13, 2008

The JUDICIARY AND RULES Committee reports that **S 1339**, as amended, as amended in the House, and **S 1370**, as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

S 1339, as amended, as amended in the House, and **S 1370**, as amended in the House, were filed for first reading.

March 12, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1256**, as amended, **S 1269**, **S 1311**, **S 1372**, as amended in the House, and **S 1373** were delivered to the Office of the Governor at 2:40 p.m., March 12, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 13, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1325**, **S 1331**, **S 1352**, **S 1354**, **S 1359**, **S 1362**, **S 1371**, **S 1382**, **S 1389**, **S 1418**, **S 1439**, **S 1445**, **S 1451**, **S 1452**, **S 1453**, and **S 1454** were delivered to the Office of the Governor at 12:30 p.m., March 13, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 13, 2008

The FINANCE Committee reports out **H 400** with the recommendation that it do pass.

CAMERON, Chairman

H 400 was filed for second reading.

March 13, 2008

The FINANCE Committee reports out **H 608**, **H 609**, **H 610**, **H 611**, **H 613**, and **H 614** with the recommendation that they do pass.

CAMERON, Chairman

H 608, **H 609**, **H 610**, **H 611**, **H 613**, and **H 614** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 13, 2008

Mr. President:

I transmit herewith **H 559**, **H 606**, **H 607**, **HCR 45**, **H 621**, **H 622**, **H 625**, **H 626**, **H 628**, **H 629**, and **H 630**, which have passed the House.

ALEXANDER, Chief Clerk

H 559, H 606, H 607, HCR 45, H 621, H 622, H 625, H 626, H 628, H 629, and H 630 were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senators Andreason and Stennett were recorded present at this order of business.

S 1339, as amended, as amended in the House, and **S 1370**, as amended in the House, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

H 559 and **H 606**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 607, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

HCR 45, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 621, H 622, H 625, H 626, H 628, and H 629, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 630, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 463 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Kelly, Keough, Langhorst, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 24.

NAYS--Bair, Coiner, Corder, Geddes, Hill, Little, Stegner. Total - 7.

Absent and excused--Gannon, Jorgenson, McKenzie, Pearce. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 463** passed, title was approved, and the bill ordered returned to the House.

H 526, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Corder and Broadsword arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Gannon, Jorgenson, McKenzie, Pearce. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 526**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senator Pearce was recorded present at this order of business.

H 365, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 29.

NAYS--Broadsword, Cameron, Darrington. Total - 3.

Absent and excused--Gannon, Jorgenson, McKenzie. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 365**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 589 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Gannon, Jorgenson, McKenzie.
Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 589** passed, title was approved, and the bill ordered returned to the House.

President Risch assumed the Chair.

Senator McKenzie was recorded present at this order of business.

H 432 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 27.

NAYS--Bair, Bastian, Heinrich, Hill, Siddoway, Stegner.
Total - 6.

Absent and excused--Gannon, Jorgenson. Total - 2.

Paired and voting included in roll call:

AYE - Darrington NAY - Heinrich

Total - 35.

Whereupon the President declared **H 432** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:50 p.m. until the hour of 9:30 a.m., Friday, March 14, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary